

**IN THE UNITED STATES DISTRICT COURT
FOR FLORIDA SOUTHERN DISTRICT**

ARTUR ELIZAROV,

Plaintiff,

vs.

**WESTSTAR MORTGAGE
CORPORATION dba WESTSTAR LOAN
COMPANY et al,**

Defendants.

Case 0:23-cv-61669-ASH-AOV

**EMERGENCY MOTION TO STAY BRIEFING SCHEDULE REGARDING
DEFENDANTS' MOTION TO DISMISS [13] PENDING THE DETERMINATION OF
PLAINTIFF'S MOTION TO DISQUALIFY COUNSEL [14]**

Plaintiff moves the court on an emergency basis to order the briefing schedule regarding defendants' joint motion to dismiss [13] STAYED pending the determination of plaintiff's motion to disqualify counsel [14].

I, Ilya Alekseyeff certify that as counsel for the movant, I have conferred with all parties or non-parties who may be affected by the relief sought in the motion in a good faith effort to resolve the issues raised in the motion and has been unable to do so. L.R. 7.1(a)(3).

After reviewing the facts and researching applicable legal principles, I, Ilya Alekseyeff, certify that this motion in fact presents a true emergency (as opposed to a matter that may need only expedited treatment) and requires an immediate ruling because the Court would not be able

to provide meaningful relief to a critical, non-routine issue after the expiration of seven days. I understand that an unwarranted certification may lead to sanctions.

Dated: 09/07/2023


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Attorney for plaintiff Artur Elizarov

MEMORANDUM

Artur Elizarov filed an action against WestStar Mortgage Corporation (WestStar) and Goldwater Bank, NA (Goldwater) in 17th Circuit Court of the State of Florida on August 1, 2023. On August 29, 2023, both defendants (represented by attorney Dwayne Robins) filed a notice of removal to this court. Then on August 31, 2023, both defendants filed a joint motion to dismiss [13]. Plaintiff's opposition to the motion is currently due on September 14, 2023.

Today, Elizarov filed a motion to disqualify attorney Robinson from representing both WestStar and Goldwater in this case based on a non-waivable concurrent conflict of interest [14]. The response to the motion is due on September 21, 2023.

Therefore, it is imperative that the court rules on Elizarov's pending motion to disqualify [14] *before* the court rules on the defendants' pending motion to dismiss [13] because attorney Robinson, if found to have a non-waivable concurrent conflict of interest, cannot proceed with the motion to dismiss on both defendants' behalf.

Accordingly, the court should GRANT this emergency motion and order the briefing schedule regarding defendants' joint motion to dismiss [13] STAYED pending the resolution of the pending motion to disqualify attorney Robinson [14].

Dated: 09/07/2023



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